CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA March 26, 2008

The City Council/Agency Board of the City of Westminster, California convened on March 26, 2008 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

6:00 P.M. CLOSED SESSION

CALL TO ORDER: 6:00 P.M.

ROLL CALL

PRESENT: RICE, FRY, MARSH, TA

ABSENT: QUACH (Arrived at 6:05 P.M.)

URGENT ITEM

Motion was made by Council Member Marsh, and seconded by Council Member Ta to bring an item on to the agenda as an urgent item, as the matter arose subsequent to the posting of the agenda, and requires immediate action. The motion carried by a 4-0-1 vote.

 Conference with Real Property Negotiator pursuant to Government Code Section 94956.8: Property: 7861 23rd Street: City Negotiator: Acting City Manager Greg Johnson and Director of Community Development Don Anderson; Negotiating Party: Yen Tan Pham; Under Negotiation: Price and Terms of Payment

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a); Existing Litigation: Gary Hooper vs. City of Westminster; Nancy Moore vs. City of Westminster; Doug Johnson vs. City of Westminster (Workers' Compensation cases).

RECESS: At 6:20 p.m., Mayor/Agency Chair Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: Mayor Rice reconvened the meeting in the Council Chambers at

7:05 p.m.

PRESENT: RICE, QUACH, FRY, MARSH, TA

ABSENT: NONE

SALUTE TO FLAG: Council Member Ta

INVOCATION: Council Member Fry

REPORT OUT OF CLOSED SESSION - None

SPECIAL PRESENTATIONS:

A. Certificates of Commendation were presented by the Mayor and City Council to the Westminster Council PTA Reflections Contest Winners in the categories of Literature, Musical Composition, Photography, Visual Arts, Dance and Choreography and Film/Video Production.

- B. A Proclamation declaring April, 2008 as Donate Life Month as DMV/Donate Life California Month was presented by the Mayor and City Council to Joanne Atlakson, Ambassador, accepting on behalf of Donate Life California. (115-00)
- C. A PowerPoint presentation was given by Rose Casey, Project Manager, Highway Division from OCTA on the West County Connector High Occupancy Vehicle (HOV) Project.

Council Member Marsh commended OCTA on the improvements done on the 22 freeway.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS - None

1. CONSENT CALENDAR

ROUTINE MATTERS

1.1 Claims Against the City (119-02)

ACTION: The Mayor and City Council denied claims against the City from:

- a) Debra Lopez in the amount of \$500.00.
- b) Maria Castillo in an unknown amount.
- c) Alex Durham in the amount of \$1,176.84.

(ITEM WAS REMOVED AND HEARD SEPARATELY)

1.2 Request from the Vietnamese-American Community of Southern California to install the Vietnamese Heritage Flags and American Flags in Westminster. (203-02)

Darrell A. Nolta, resident of Westminster, stated his opposition on the installation of these banners.

George Garcia, resident of Westminster, stated that the Vietnamese people should have the right to place the flags when they are having a special event but not permanently.

Council Member Marsh stated his concern with the Committee request for seventeen days. He said that Council has worked very hard to create Indemnify, Defend and Hold Harmless language and it is not contained in this agreement. It is important to him that the obligation to defend the City is also included in the agreement.

Mayor Pro Tem Quach stated he is in favor of the request and asked for Council to consider allowing the request for no more than fourteen days and conditionally approve it upon signing a new liability release and hold harmless clause to the City.

Mayor Rice stated that she would approve it for ten days.

Council Member Ta requested that Council consider the issue and give them the same time as last year.

Council Member Fry stated he was against communism.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach to allow the Vietnamese-American Community of Southern California to install Vietnamese Heritage Flags and American Flags on Southern California Edison street light poles within the City of Westminster for a total of 10 days before and after April 30, 2008 and to amend item 3 on the application for the Street Pole Banner Program to incorporate the City's full indemnify, defend and hold harmless language.

The motion carried by a 5-0 vote.

1.3 Microsoft Software License Payment (502-03)

ACTION: The Mayor and City Council authorize a purchase order in the amount of \$90,209.97 to Compucom Systems Inc. for the fifth (5th) year payment for Microsoft Software Licenses.

(ITEM WAS REMOVED AND HEARD SEPARATELY)

1.4 Request to Apply for Proposition 1B Funds for Street Improvements (604-10)

Darrell A. Nolta, resident of Westminster, stated he supports this item and questioned why OCTA, Supervisor Janet Nguyen and the City were all requesting Proposition 1B funding for projects in the City. He said that since Proposition 1B was approved, it would be nice if the different projects were unified. Mr. Nolta asked a systematic question about the different projects in regards to Proposition 1B.

Motion was made by Council Member Fry, and seconded by Council Member Marsh to approve the submittal of an application to secure 2007/2008 Proposition 1B funds for the improvement of Goldenwest Street from Hazard Avenue to Trask Avenue.

The motion carried by a 5-0 vote.

At this time, the Mayor and City Council presented Samantha Dominguez her certificate as one of the PTA Reflections contest winners.

1.5 AB-939 Integrated Waste Management Goal Attainment Annual Report CY 2006 (609-11)

ACTION: The Mayor and City Council received and filed this report.

ADMINISTRATIVE ITEMS

1.6 Special Event Permit application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 4, 2008 between the hours of 1:00 p.m. until 3:00 p.m. The event will take place on Olive Street, from Hazard Avenue to Blessed Sacrament Church, near Westminster Boulevard. Applicant estimates the attendance will be 250 people. (213-02 BL)

ACTION: The Mayor and City Council waived the \$100 Special Event Permit fee and approved the Special Event Permit application subject to the conditions attached to the staff report.

1.7 Special Event Permit application from Blessed Sacrament Church to hold its Annual Festival on May 16, 2007 from 5:00 p.m. until 11:00 p.m., May 17, 2007 from 12:00 noon until 11:00 p.m. and May 18, 2007 from 12:00 noon until 10:00 p.m. The church is located at 14072 Olive Street, Westminster. Applicant estimates the attendance will be 3,000-5,000 participants. The applicant has requested that a special bingo permit in conjunction with their annual Parish Festival be granted, so that bingo can be played during the Festival on Saturday, May 17th and Sunday, May 18th from 2:00 p.m. until 8:00 p.m. (213-02 BL)

ACTION: The Mayor and City Council waived the \$100 Special Event Permit fee and approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

1.8 (City Council/Redevelopment Agency) Warrant Register dated March 5 through 18, 2008. (105-09) (08)

ACTION: Approved.

INFORMATION AND REPORTS

1.9 Minutes of the Community Services & Recreation Commission meeting held on January 9, 2008 (104-05)

ACTION: Received and filed.

1.10 Community Development Monthly Activity Report – February 2008 (216-01) (08)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Vice Chair Quach, and seconded by Council/Agency Member Ta, to approve the Consent Calendar, with the exception of Item Nos. 1.2 and 1.4 which were removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Judy Ahrens, resident of Westminster, stated that she appreciates the trend that the Council set with "In God We Trust". She requested that the members of the community call the Westminster School District Board of Trustees to promote interest and support to have "In God We Trust" in the school district. Ms. Aherns requested support on a petition for Sarah's law.

George Garcia, resident of Westminter, stated his concerns with the Police Department and the way they patrol Sigler Park and the way graffti removal is handled.

Darrell A. Nolta, resident of Westminster, stated his concerns with the Orange County Transportation Authority requesting Propostion 1B funding for a proposed traffic signal synchronization along Brookhurst Street, Beach Boulevard and Valley View Street. He feels that this will facilitate street racing and create havoc.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on March 19, 2008.

Motion was made by Council Member Marsh, and seconded by Council Member Ta to receive and file the follow items from the Planning Commission meeting of March 19, 2008

- 1) Case 2007-81 (Variance, Design Review and Revocation of a Conditional Use Permit) at 14861 Dillow Street to install a wireless telecommunications facility.
- 2) Case 2007-94 (Variance) at 14311 Locust Street. Request to legalize unauthorized expansion including additional units exceeding allowable density.
- 3) Case 2008-01 (Zoning Text Amendment). City initiated code amendment to establish development standards and procedures for large family day care facilities in the single family residential district.

The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

4.1 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CASE NO. 2007-52 (VARIANCES); LOCATION: 7781 13TH STREET; APPLICANT/APPELLANT: GERALD ALSTADTER, PROPERTY OWNER OF RECORD (Continued from the March 12, 2008 meeting) (201-00 CN 2007-52)

Art Bashmakian, Planning Manager, gave a PowerPoint presentation to provide a visual description of the property. The site is developed with four apartments constructed in 2002. In May 2007 a violation was issued for the relocation of guest parking spaces and the construction of a detached two car garage. Therefore, the property owner attempted to obtain permits after the fact. The variances requested are a reduced setback distance between a detached structure and the main building. The code requires a six-foot separation. He explained that with the illegal construction the garage is only three-feet away from the main apartment. The other variance is enclosing of the required guest parking spaces. The spaces are considered enclosed with this garage structure because they are not easily identifiable by guests as guest parking spaces. The applicant disclosed that his intent was to provide additional space to store his personal items.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Gerry Alstadter, property owner/applicant, said that he realized that he should not have built the garage without a permit. He stated that in the past he experienced many problems and received incorrect information from the City's Planning

Department. He did not want to go through that process again to get the garage permit. Mr. Alstadter said he knew he should not have built the structure because it was illegal. He provided Council with a handout and addressed the parking spaces and the allowed separation from the house to the unpermitted garage. Mr. Alstadter stated that the only area in violation of the six foot separation is the corner of the structure and that he has installed fire sprinklers in case of a fire. He does not think he is violating the spirit of why the code was done. Mr. Alstadter stated that he really needs the garage for storage purposes.

Council discussion ensued relative to the illegal structure and the guest parking spaces.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION OF THE ITEM. BEING THERE WERE NO SPEAKERS IN OPPOSITION, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Quach requested that Council to find a way to help Mr. Alstadter. His concern is that the public parking remain public parking but not allow the applicant to use it for storage.

Council Member Marsh stated that in order to grant a variance the City must make five findings and the applicant must satisfy each of the five criteria. Under California Law standards the variance criteria has not been met and legally the variance cannot be granted.

Motion was made Council Member Marsh, and seconded by Council Member Fry to adopt Resolution No. 4144 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's decision to deny Case No. 2007-52 pertaining to setback and parking variances for a detached accessory structure located at 7781 13th Street".

The motion carried by a 5-0 vote.

4.2 ALLOCATION OF FY 2008-2009 HOME INVESTMENT PARTNERSHIPS (HOME) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND PRIOR YEAR CDBG FUNDS FOR CITY PROJECTS (109-01) (08)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- Allocate FY 2008 HOME funds in the amount of \$ 505,936 and FY 2008 CDBG funds in the amount of \$ 1,231,482 as per the attached 2008 Allocation Spreadsheets contingent upon the successful completion of the environmental process; and
- Reallocate prior year CDBG funds as per the Reallocation Spreadsheet attached to the staff report, contingent upon the successful completion of the environmental process; and

3) Authorize the City Manager to execute and submit the application to the U.S. Department of Housing and Urban Development (HUD) before May 15, 2008.

Kathy Johnston Housing Supervisor, provided a brief overview on staff's recommendation for the 2008-2009 Federal funding for the HOME and CDBG funds.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Darrell A. Nolta, resident of Westminster, requested an increase to the funding allocated to the non-profits like Asian American Care Center, Abrazar, and non-profits associated with taking care of homelessness and having affordable healthcare needs.

Gloria Reyes, Abrazar, stated that they were not recommended for funding in the public facilities. She noted that Abrazar has spent all of the last year's money except for \$5,300 for cabinets that still have to be installed. She said that she wants the record to reflect that Abrazar is not working with last year's allocation.

Tish Murray, Boys and Girls Club, urged Council to provide funding for the gym remodeling at the Boys and Girls Club.

Motion was made by Council Member Marsh, and seconded by Council Member Ta and carried by a 5-0 vote to allocate funds as follows:

2008-2009 HOME Entitlement Funding Requests & Allocation | Approved

A. Non-Profit Organizations

American Family Housing (CHDO)

\$0

B. Home Administration

Program Administration (10% cap)

\$50,593

C. Grants & Housing, Department of Community

Development

City Affordable Housing Program
A CHDO will receive \$75,891

\$379,452

\$75,891

Totals \$505,936

Motion was made by Council Member Marsh, and seconded by Council Member Ta and carried by a 5-0 vote (Mayor Pro Tem Quach abstained on Asian American Care Center only) to allocate funds as follows:

Mayor Pro Tem Quach abstained on the Asian American Care Center funding stating a conflict of interest due to the vicinity of the Center to his job site.

2008-2009 Community Development Block Grant (CDBG)Entitlement for Public Services

A. Public Services Requests Asian American Care Center	Pay Salary of Physician	Approved \$3,500
Abrazar, Inc.	Dental Care, Education and Food Programs	\$14,500
Acacia Adult Day Services	Adult Day Care	\$2,500
American Family Housing, Inc.	CedarTransitional Program	\$4,000
American Family Housing, Inc.	Jackson House Transitional	\$4,000
American Family Housing, Inc.	Locust House Transitional	\$4,000
Boys & Girls Club	Project Learn	\$13,500
Colette's Children's Home	Transitional Housing	
	Program (women & children)	-0-
Community Senior Serv	Home Delivered Meals	\$27,000
Community Svs. & Rec.	Family Resource Center	\$33,000
Community Svs. & Rec.	Middle School Enhancement	\$15,000
Community Svs. & Rec.	Project S.H.U.E.	\$25,000
Community Svs. & Rec.	Red Cross Lifeline Program	\$6,600
Community Svs. & Rec.	Senior Outreach Program	\$21,000
Interval House	Domestic Violence Crisis	
	Support Services	\$10,122
Westminster Little League	Scholarship and Equipment	\$1,000
	Total Allocated	\$184,722

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach and carried by a 5-0 vote to allocate funds as follows:

<u>2008 -2009 CDBG Entitlement Funds for Construction & Rehabilitation Projects (No expenditure limits on construction/rehabilitation except available funding)</u>

B. Construction Rehabilitation Projects

Nonprofit Project Requests (See Reallocation \$ Funds on Page 11)	<u>Project</u>	Approved
Abrazar Facility (Prior 2006 rehab near complete)	Facility Parking Lot	\$0
Boys & Girls Club (Prior 2007 rehab not started)	Gym Remodel	\$0

L. League (Prior R. 2006 & R. 2007: \$45,000 ns.)	Sod for baseball fields	\$0
Public Works Department		
Reconstruct AC pavement, minor curb, and gutter and access ramps #1 Priority	Coronet Avenue	\$155,000
Reconstruct AC pavement, minor curb, and gutter and access ramps #2 Priority	Bevan Avenue	\$100,000
Reconstruct AC pavement, minor curb, and gutter and access ramps # 3 Priority (see reallocation sheet, p. 4)	Calendula Avenue	\$0
Reconstruct AC Pavement, minor curb,gutter,etc. #4 Priority	Oakcliff Drive	\$95,000
****	Total:	\$350,000

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta and carried by a 5-0 vote to allocate funds as follows:

C.	Comm	nunity	Develo	pment
-				

Department	<u>Project</u>	Approved
Code Enforcement	Code Enforcement Staff	\$256,511
Grants & Housing Division (Prior year Reallocated \$)	Housing Rehabilitation Program	\$193,953
	Total:	\$450,464

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach and carried by a 5-0 vote to allocate funds as follows:

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D. CDBG Administration (20% cap)	<u>Project</u>	Approved
CDBG	Program Administration	\$228,176
Fair Housing Council of Orange County	Westminster Fair Housing Services CDBG Admin to include F. H.	\$18,120
	Total:	\$246,296

Item B., C., & D. Grand

Total Allocated: \$1,046,760

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach and carried by a 5-0 vote to reallocate funds as follows:

CDBG Prior Years Reallocation Funds CDBG Funds Available For Realloction \$ 260,000

Non-Profit Organizations	Project	Approved
Abrazar	Facility Parking Lot	\$100,000
Boys & Girls Club	Gym Remodel	\$30,000
Westminster Little League Baseball	Sod for fields	\$15,000
Reallocate remaining funds from prior pavement reconstruction projects for 2008 Calendula Avenue	Calendula Ave.	\$55,000
10th Street Additional Funds	10th Street	\$60,000

Total: \$260,000

4.3 ORDINANCE NO. 2429 - AMENDMENT TO TITLE 17 (LAND USE ORDINANCE) OF THE WESTMINSTER MUNICIPAL CODE TO REQUIRE APPLICANTS TO POST A PUBLIC HEARING NOTICE AT THE SITE TO WHICH A HEARING PERTAINS. (209-05)

Don Anderson, Community Development Director, reported that staff is recommending the continuance of this item.

Motion was made by Council Member Marsh, seconded by Mayor Pro Tem Quach to continue this item to the regular meeting of April 9, 2008 at 7:00 p.m.

The motion carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry stated that the City has two of the highest rated restaurants in Southern California, the Lazy Dog Café and Riviera at the Fireside.

Council Member Ta thanked Mayor Rice and the Council for nominating him to the Donate for Life 5K run next month.

Council Member Marsh hoped that everyone had a Happy Easter. Westminster Presbyterian had a stupendous Easter program along with others within the City.

Mayor Rice thanked Greg Johnson, Community Serivces Director, for sitting in as City Manager.

5.2 AB 1234 Reports

Council Member Marsh reported on a Land Use seminar that he attended on March 25th and that Mayor Pro Tem Quach also took the seminar via tapes.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (Redevelopment Agency) Agency Fund Program Budget (105-12) (08)

Motion was made by Vice Chair Quach, and seconded by Agency Member Ta to approve a budget transfer of 35,349.05 from the Redevelopment Operating Fund Contingency to the Economic Development Fund-Contractual Other for Chamber of Commerce contractual services.

The motion carried by a 5-0 vote.

6.2 Schedule Joint Meeting with the Westminster School District (103-08) (08)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to schedule the date of Thursday, May 1, 2008 at 6:00 p.m. at the Westminster Rose Center for a Joint Meeting requested by the Westminster School District to discuss topics of mutual interest.

The motion carried by a 5-0 vote.

6.3 New Police Building Design Progress and Review of Water Rate Structure Study Session Meeting Dates (103-08) (08)

It was the preference of Council that a separate study session be scheduled to review the City's current water rate structure.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach to calendar the three listed dates for Study Session meetings to provide direction to staff regarding the planning, design and budget for the new police building..

- a) <u>Tuesday, April 22, 2008, 5:00 p.m.</u> New police building Conceptual Design and project budget presentation.
- b) Monday, July 28, 2008, 5:00 p.m. New police building Schematic Design and project budget presentation.
- c) Monday, September 22, 2008, 5:00 p.m. 50% Design Development and project budget presentation.

The motion carried by a 5-0 vote.

6.4 2009 TET Parade Coordination (213-01)

Mayor Rice in consensus with Council Member Marsh stated that the City would take over the event.

Council Member Marsh stated that Mayor Pro Tem Quach should be the organizing force behind it but have it be a City project this time.

Council Member Ta stated that he was willing to help out with the event.

Greg Johnson, Community Services Director, stated that the City is going to need assistance with fundraising and assistance from the community as a whole.

Motion was made by Council Member Marsh, and seconded by Council Member Ta to appoint Mayor Pro Tem Quach the City's Chairman for the Westminster 2009 TET Parade and the rest of the Council will assist him. This would flow through the Community Services Department under the direction of Greg Johnson, Community Services Director. Council will proceed forward with the intent to plan this as a City project.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from the Rose Center Foundation for funds in the amount of \$75,000 from the City for the Westminster Rose Center. (104-23 & 702-02)

Motion was made by Council Member Marsh, seconded by Mayor Pro Tem Quach to:

- 1) Authorize the City to issue a credit of \$75,000 against obligations to be incurred by the Rose Center Foundation to the City up to the amount of \$75,000, to be incurred after March 31, 2008, which will be covered by the General Fund Contingency to the City Council Special Department Expenses; and
- 2) Require that the Rose Center Foundation provide to the City, within 30 days of the close of every month, statements itemizing every disbursement of the Rose Center Foundation and every receipt of funds by the Rose Foundation during the preceding month.

Council Member Marsh explained how the \$75,000 credit would be applied. He said that the statements itemizing the disbursements and receipts of the Rose Center Foundation can be done either by creating a summation itself or by attachment of documents, if they choose to staple on a copy of the credit card statements, the bills, etc.

Bradford Sublett, Rose Center Foundation Member, spoke in favor of the \$75,000 and said he doesn't understand why the City doesn't maintain the Rose Center. He stated that a lot of rehearsals could be elsewhere to bring costs down at the facility. He invited everyone to film Beautiful Dreamer to be held at the Rose Center Theater on April 4, 2008.

Peter Galang, Crystal Rose Catering, stated that it has been difficult to operate at the Rose Center with the electrical problems they have been experiencing for the past two years. Mr. Galang asked that Council consider helping with the electricity issue, stating that he has had to refund money to clients because of the electrical system not working properly.

Darrell Nolta, Westminster resident, stated that he is a systems engineer and electrical engineer, and this is extremely bad engineering. A professional engineer has to sign drawings and assure that the work is done successfully. He feels that the City needs to take care of building, a competent engineer should be hired, and the contract revisited.

The motion carried by a 5-0 vote.

- 8. LEGISLATIVE ITEMS -None.
- 9. COMMISSION AND COMMITTEE ITEMS
- 9.1 Appointment of Member to the Commission on Aging (104-03)

Council Member Marsh stated that he was not ready to make his appointment at this time.

10. COUNCIL/AGENCY ADJOURNMENT: At 10:10 p.m.

Pat Jacquez-Nares

Assistant City Clerk/Asting Agency Secretary